

linked to in any way. This is a much broader standard than the one that existed before 9/11, and it would give the FBI and other government agencies significant flexibility in terrorism investigations. But it is much tighter than the standard that is currently written into law as part of the Patriot Act, and it would greatly reduce potential intrusions on the privacy of law-abiding Americans.

Switching to a “nexus to terrorism” standard is not a radical proposal. In 2005, the Senate passed a bill that would have replaced the “relevance” standard with one requiring a “nexus to terrorism”. In fact, this bill was passed by unanimous consent. And President Obama cosponsored similar legislation in 2007. So this proposal has received significant bipartisan support in the past. And in my judgment, it would go a long, long way toward restoring the balance between security and freedom that is so important to Americans.

I have cosponsored legislation that would make “nexus to terrorism” the standard for accessing individuals’ business records for intelligence purposes. Over the next year, I will continue to argue for the merits of this standard. I will also continue to press for more transparency about how the Patriot Act has actually been interpreted and applied in practice. As I have said before, there is key information that is relevant to the debate on the Patriot Act that is currently classified. Over the past two and a half years, I have pressed the executive branch to declassify this information in a responsible way, so that members of Congress and the public can have an informed debate about what the law should actually be.

I have raised this issue numerous times, in classified letters and in meetings with high-level Administration officials. Many of these classified letters were also signed by other senators, including Senator FEINGOLD and Senator DURBIN. In a partial response to our requests, the Attorney General and the Director of National Intelligence have prepared a classified paper that contains details about how some of the Patriot Act’s authorities have actually been used, and this paper is now available to all members of Congress, who can read it in the Intelligence Committee’s secure office spaces.

Providing this classified paper to Congress is a good first step, and I would certainly encourage all of my colleagues to come down to the Intelligence Committee and read it, but by itself this step does not go nearly far enough. Ensuring that members of Congress have information about how the law has been interpreted and applied is obviously essential, but it is just as essential for the public to have this information as well. Most members of the public do not expect to have detailed information about how intelligence collection is actually conducted, but they do expect to under-

stand the boundaries of what the law does and does not allow, so that they can ratify or reject the decisions that public officials make on their behalf.

I am particularly concerned about this because I believe that there is a discrepancy between what most Americans believe is legal and what the government is actually doing under the Patriot Act. In my view, any discrepancy of this sort is intolerable and untenable, and can only be fixed by greater transparency and openness. This is why I think it is so important for the executive branch to declassify the information that I have asked them to take action on.

I expect that convincing the executive branch to take decisive action on this issue will not be easy, and that it will not happen quickly. But I have been engaged on this issue for two and a half years already, so I think it should be clear by now that I do not intend to give up. As Congress prepares to resume debate on the Patriot Act next year, I will continue to press the administration to find a way to release this information in a manner that serves the public interest and does not harm national security. And I hope that my colleagues will join me in this effort.

#### INDEPENDENT PAYMENT ADVISORY BOARD

Mr. SPECTER. Madam President, I have sought recognition to address transparency concerns with the Independent Payment Advisory Board established in H.R. 3590.

As Medicare enrollment grows, the issue of cost-containment becomes more pressing. To address this issue the Independent Payment Advisory Board was included as part of health reform legislation. The Board’s task is to slow the rate of growth in the Medicare Program—a goal which is important if the program is going to remain solvent for years to come. It has been suggested that this Board will operate in secret, without public input and its meetings and decision-making process will not be transparent. This belief is inaccurate. The legislation ensures that the Board operates in an open and transparent way that facilitates open discussion and input from the public at large and from Medicare beneficiaries. The legislation specifically authorizes the Board to hold open and public meetings and I would expect that the Board will do this often as it gathers input from various stakeholders in the health care sector and Medicare beneficiaries.

Further, the bill creates a Consumer Advisory Council to advise the Board of the impact that its recommendations will have on consumers and Medicare beneficiaries. The Advisory Council is directed to meet at least twice a year in a forum open to the public. I fully intend and expect that as the Board creates its recommendations it will give ample weight to the views and

concerns of the Consumer Advisory Council, as it is consumers that will ultimately be impacted by the decisions of the Independent Payment Advisory Board.

The Board and the Consumer Advisory Council must engage in an open and transparent decision making process, with ample opportunity for input from Medicare beneficiaries as well as other health care stakeholders as is intended by this legislation.

#### GLOBAL INTERNET FREEDOM CAUCUS

Mr. KAUFMAN. Madam President, yesterday I was joined by Senators BROWNBACK, LIEBERMAN and CASEY, in introducing the newly formed Senate Caucus for Global Internet Freedom. I ask unanimous consent that the text of my comments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator BROWNBACK and I created this caucus—together with Senators DURBIN, LIEBERMAN, CASEY, MCCAIN, JOHANNIS, BARRASSO, MENENDEZ, and RISCH—to promote the right to free expression, free press, free assembly, and free speech via the Internet and other forms of connective technology.

The Internet has presented infinite opportunities for communication throughout the world. It is an incredible tool for reaching people of all nationalities, faiths, and ethnicities in their own language, and promoting new channels for education and news. The free exchange of ideas in a globalized world is essential to economic and political progress, and we are gathered here today to reaffirm our commitment to this issue.

The Caucus will provide bipartisan leadership within the Congress supporting robust engagement by the public and private sectors to secure digital freedoms throughout the world. Joining with our colleagues who have established a similar caucus in the House, the Senate will continue to advance global Internet freedom as an essential communications tool. The power to connect and access information is a fundamental right which we seek to protect, and the caucus establishes an additional vehicle for doing so.

Our goals are three-fold. First, we will continue to draw attention to this critical issue. Second, we will continue to highlight attempts by foreign governments to restrict the Internet through resolutions, legislation, and hearings. And third, we will continue to promote methods of evading Internet restrictions, including censorship circumvention technology and tools.

I emphasize that we will “continue” to take these steps because—while today marks the formal creation of the Caucus—this bipartisan group of Senators has been working to advocate for global Internet freedom for more than